

## **REMARKS**

This document is in response to the Office Action dated July 1, 2008.

Claims 1-11 are pending in the application. Claims 1-7 and 9-11 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Shimamura et al. (U.S. Published Application No. 2003/0153372), in view of Lee (U.S. Published Application No. 2004/0198433) and further in view of Suso et al. (U.S. Patent No. 6,466,202). Furthermore, claim 8 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Shimamura in view of Lee and further in view of Suso and further in view of Wakabayashi et al. (U.S. Patent No. 5,666,565). Applicants respectfully traverse the rejections under 35 U.S.C. Section 103(a) and respectfully requests reconsideration and withdrawal of the rejections.

Independent claim 1 recites, among other things, that "said optical axis of said camera module substantially coincident with said axial line, said axial line and said optical axis extending in a thickness direction of said mobile terminal device." Independent claim 7, similarly, recites, in part, "said camera module . . . with said optical axis substantially coincident with said axial line, said axial line and said optical axis extending in a thickness direction of said mobile terminal device." Applicants respectfully submit that neither Shimamura, Lee, Suso nor Wakabayashi, alone or in combination, disclose or suggest those recited elements of claims 1 and 7 or any of the claims dependent thereon.

In the present Office Action, the Examiner appears to appreciate the various deficiencies in each of the cited prior art references. However, notwithstanding the acknowledged deficiencies in the prior art, the Examiner reaches the incorrect conclusion that when the references are combined the pending claims are rendered obvious. This conclusion, however, is incorrect because, even when combined, the cited references fail to disclose a

terminal device wherein the optical axis of the camera module and the axial line, as that term is defined in the claims, are coincident.

In the current Office Action, the Examiner acknowledges that Shimamura fails to teach those claimed elements of claims 1 and 7. With regard to claim 1, the Examiner acknowledges "Shimamura fails to teach that the camera module having a lens and image-taking element so as to form an optical axis passing through said lens and said image-taking element; said camera module being disposed inside of said connecting section with said optical axis of said camera module substantially coincident with said axial line; and said axial line and said optical axis extending in the thickness direction of said mobile terminal device." Office Action at 3-4 (Emphasis in original). With respect to claim 7, the Examiner acknowledges "Shimamura fails to teach the camera module having a lens and image-taking element so as to form an optical axis passing through said lens and said image-taking element, said camera module being disposed inside of said hollow space, with said optical axis substantially coincident with said axial line; and said axial line and said optical axis being disposed in the thickness direction of said mobile terminal device." Office Action at 7. Thus, from the above quoted portions it is unmistakable that the Examiner recognizes that Shimamura cannot be relied on for those recited elements of claims 1 and 7.

The Examiner relies on Lee to supplement in part the deficiencies of Shimamura. According to the Office Action, Lee is relied on because it "teaches a portable wireless terminal 100 including a camera inside a hinge and a camera lens." Office Action at 4. While that is correct, Lee, like Shimamura, fails to disclose an optical axis that is substantially coincident with an axial line. Lee discloses, for example, in paragraph [0034], that "A camera lens (not shown) is accommodated within the lens housing 350" and "The lens housing 350 is provided with a

window 359 for exposing the camera lens.” There is no description of a direction of an optical axis of the camera lens in Lee. Thus, Lee fails to teach or suggest the above-indicated feature of claims 1 and 7. Moreover, from the fact that the window 359 for exposing the camera lens is provided on the side surface of the lens housing 350 as shown in FIG. 3 of Lee, it is speculated that an optical axis of the camera lens is not substantially coincident with the axial line of the lens housing 350, but it is perpendicular with the axial line of the lens housing 350.

Next the Examiner relies on Suso. The Examiner asserts "Suso discloses said axial line and said optical axis '**being extended in the thickness direction**' of said mobile terminal device." Office Action at 7 (emphases in original). However, this assertion is incorrect inasmuch as the claims describe the "axial line" with respect to the movement of the casings. Specifically, claims 1 and 7 each recite, in part, "a connecting section for connecting said two casing so that said two casing rotate around an **axial line** in parallel with a direction in which said two casing are overlapped." As previously explained, claims 1 and 7 each require that the optical axis is **substantially coincident** with the axial line. Contrary to the language of claims 1 and 7, Suso discloses, in column 6 lines 18-20, that "the direction of the camera lens 9 can be changed over an angle of 360 deg. around the center axis D of the rotary shaft 7." Thus, as shown in FIG. 1c of Suso, the direction of the camera lens 9 is not substantially coincident with the center axis D of the rotary shaft, but it is perpendicular with the center axis D of the rotary shaft. Therefore, Suso does not teach or suggest the above-indicated features of claims 1 and 7.

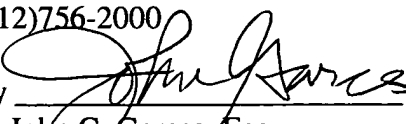
As is apparent from figures shown in Wakabayashi, Wakabayashi is silent about a mobile terminal device. Thus, Wakabayashi does not disclose the direction of a connecting section of a mobile terminal device. Thus, Wakabayashi also fails to disclose or suggest the above-indicated feature of claims 1 and 7.

Applicants note the device according to claim 1 or claim 7 has an advantage in that it is possible to obtain a sufficient length for the optical axis for the camera module without causing an increase in the thickness of the casings, and it is also possible to save a space inside the casings because it is not necessary to have a space for disposing the camera module in the casings by containing the camera module in the connecting section (see, for example, Applicants' original specification on page 3 lines 3-8 and on page 5 lines 13-22).

In view of above, independent claims 1 and 7 are allowable over the prior art of record. For the same reasons, those claims dependent on claims 1 and 7 are allowable over the cited prior art. Reconsideration and allowance of the present application are respectfully requested. The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicants petition for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075/0073. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

Schulte Roth & Zabel LLP  
Attorneys for Applicants  
919 Third Avenue  
New York, NY 10022  
(212)756-2000

By   
John C. Garces, Esq.  
Reg. No. 40,616

Dated: October 28, 2008  
New York, New York